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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,236	06/29/2001	Jack Allen Alford JR.	AUS920000865US1	8648
7590 11/06/2003				
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			EXAMINER	
			YANG, RYAN R	
			ART UNIT	PAPER NUMBER
			2672	
			DATE MAILED: 11/06/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/895,236

Applicant(s)

ALFORD ET AL.

Examiner

Ryan R Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-36 are pending in this application. Claims 1, 17-18 and 35 are independent claims. This action is non-final.
2. The present title of the invention is "Graphical user interface for visualization of sampled data compared to entitled or reference levels".

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 34 recites the limitation "entitlement levels" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6, 14-20, 23, 31 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhatt et al. (6,097,399).

As per claim 1, Bhatt et al., hereinafter Bhatt, discloses a method for displaying resource utilization information for a plurality of resources, comprising the steps of:

determining a time period in which to measure the resource utilization information (the aggregation interval,  $A_i$ , column 7, line 35);

monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a resource reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

7. As per claim 2, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses the resource utilization information is used to determine a percentage of system resources utilized based on the time period relative to other resources in the same time period (Figure 5A where P1, P2 and P3 show utilization in percentage in an aggregation time period).

8. As per claim 3, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses displaying a result of the resource utilization information is displayed in a utilization range (Figure 4A where the graph display a utilization range centered on average).

9. As per claim 6, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses displaying a result of the monitoring

of the resource utilization information is displayed in a graphical user interface (Figure 5A where 20 is the interface).

10. As per claim 14, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses displaying a result of the monitoring of the resource utilization information is displayed in a plurality of colors (Figure 6 "If some are send and some are received, the send-receive color is used (i.e., black in this case) ... the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12 , line 9-17).

11. As per claim 17, Bhatt discloses a system, comprising:

- a bus system (Figure 2A 2);

- a memory, including a set of instructions, connected to the bus system (Figure 2A 3);

- an output unit connected to the bus system ((Figure 2A 6); and

- a processing unit connected to the bus system (Figure 2A 3), wherein the processing unit executes the set of instructions from the memory to determine a time period in which to measure resource utilization information (the aggregation interval,  $A_i$ , column 7, line 35), the processing unit monitors the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41), and the processing unit instructs the output unit to displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a

resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

12. As per claim 18, Bhatt discloses a data processing system for displaying resource utilization information for a plurality of resources, comprising:

determining means for determining a time period in which to measure the resource utilization information (the aggregation interval,  $A_i$ , column 7, line 35);

monitoring means for monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

displaying means for displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Regarding the "means plus function" language, it is noted that both software and hardware means are functionally equivalent.

13. As per claim 19, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, *supra*, and further discloses the resource utilization information is used to determine a percentage of system resources utilized based on

the time period relative to other resources in the same time period (Figure 5A where P1, P2 and P3 show utilization in percentage in an aggregation time period).

As per claim 20, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, supra, and further discloses displaying a result of the resource utilization information is displayed in a utilization range (Figure 4A where the graph display a utilization range centered on average).

14. As per claim 23, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, supra, and further discloses displaying a result of the monitoring of the resource utilization information is displayed in a graphical user interface (Figure 5A where 20 is the interface).

15. As per claim 31, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, supra, and further discloses displaying a result of the monitoring of the resource utilization information is displayed in a plurality of colors (Figure 6 "If some are send and some are received, the send-receive color is used (i.e., black in this case) ... the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12 , line 9-17).

16. As per claim 34, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, supra, and further discloses the entitlement levels are optional entitlement levels (Figure 10A where the degree of shading indicates level of utilization and, therefore, level of entitlement for utilization).

17. As per claim 35, Bhatt discloses a computer program product in a computer-readable medium for displaying resource utilization information for a plurality of

resources (Figure 2A 3 where it is typically implemented as software, column 5, line 29), comprising:

instructions for determining a time period in which to measure the resource utilization information (the aggregation interval,  $A_i$ , column 7, line 35);

instructions for monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

instructions for displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4-5 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. as applied to claim 3 above, and further in view of Fisher et al. (5,440,478).



As per claim 4, Bhatt demonstrated all the elements as applied to the rejection of dependent claim 3, supra.

Bhatt discloses a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the utilization range is defined by a standard deviation between the utilization of the resource and a target utilization for the resource, however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher processing control method in which the utilization range is defined by a standard deviation between the utilization of the resource and a target utilization for the resource (see the equation defining CPK, column 2, line 36-44).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses the utilization range can be defined in a way to better monitor the system.

20. As per claim 5, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 4, supra, and Fisher further discloses the standard deviation is at least one of a deviation within a predetermined percentage of the target utilization and a deviation within a predetermined distance from the target utilization (where the deviation is defined as  $3\sigma$ , column 2, line 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of

resources and Fisher discloses the utilization range can be defined in a way to better monitor the system.

21. As per claim 21, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 20, *supra*.

Bhatt discloses a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the utilization range is defined by a standard deviation between the utilization of the resource and a target utilization for the resource, however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher processing control system in which the utilization range is defined by a standard deviation between the utilization of the resource and a target utilization for the resource (see the equation defining CPK, column 2, line 36-44).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Fisher discloses the utilization range can be defined in a way to better monitor the system.

22. As per claim 22, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 21, *supra*, and Fisher further discloses the standard deviation is at least one of a deviation within a predetermined percentage of the target utilization and a deviation within a predetermined distance from the target utilization (where the deviation is defined as  $3\sigma$ , column 2, line 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Fisher discloses the utilization range can be defined in a way to better monitor the system.

23. Claims 7-9 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. as applied to claim 1 above, and further in view of Rassman et al. (4,937,743).

As per claim 7, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Bhatt discloses a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the display of the result of the monitoring of the resource utilization information is displayed with an indicator, wherein the position of indicator indicates the current utilization of the resource, however, this is known in the art as taught by Rassman et al., hereinafter Rassman. Rassman discloses a method of monitoring network utilization in which the amount of utilization is shown by an indicator (Figure 1A-1E where the vertical line or circle is the status indicia indicating current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of

resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

24. As per claim 8, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 7, supra, and Rassman further discloses the current utilization of the resource is a range of current utilization of the resource (Figure 1A where the rectangle is a range of current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

25. As per claim 9, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 8, supra, and Rassman further discloses the indicator is placed within the range of current utilization of a resource (Figure 1A where the vertical line is placed within the range of current utilization of a resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

26. As per claim 24, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, supra.

Bhatt discloses a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the display of the result of the monitoring of the resource utilization information is displayed with an indicator, wherein the position of indicator indicates the current utilization of the resource, however, this is known in the art as taught by Rassman et al., hereinafter Rassman. Rassman discloses a system for monitoring network utilization in which the amount of utilization is shown by an indicator (Figure 1A-1E where the vertical line or circle is the status indicia indicating current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

27. As per claim 25, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 24, supra, and Rassman further discloses the current utilization of the resource is a range of current utilization of the resource (Figure 1A where the rectangle is a range of current utilization of the resource

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of

resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

28. As per claim 26, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 25, *supra*, and Rassman further discloses the indicator is placed within the range of current utilization of a resource (Figure 1A where the vertical line is placed within the range of current utilization of a resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

29. Claims 10-11 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. and Rassman et al. as applied to claim 7 above, and further in view of Rochford et al. (6,487,604).

As per claim 10, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 7, *supra*.

Bhatt and Rassman disclose a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Rassman do not explicitly disclose the indicator indicates the direction of current utilization of the resource, however, this is known in the art as taught by Rochford et al., hereinafter Rochford. Rochford discloses a network monitoring method in which the indicator indicates the direction of current utilization of the resource (Figure 3 70, 72, 74 and 76).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt and Rassman because Bhatt and Rassman disclose a method for displaying resource utilization information for a plurality of resources and Rochford discloses a method of displaying the direction of current utilization in order to better predict the trend of utilization.

30. As per claim 11, Bhatt, Rassman and Rochford demonstrated all the elements as applied to the rejection of dependent claim 10, *supra*, and Rochford discloses the direction of current utilization of a resource includes increasing utilization and a decreasing utilization (Figure 3 where the cone shaped indicators can be in increased direction and decreased direction).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt and Rassman because Bhatt and Rassman disclose a method for displaying resource utilization information for a plurality of resources and Rochford discloses a method of displaying the direction of current utilization in order to better predict the trend of utilization.

31. As per claim 27, Bhatt and Rassman demonstrated all the elements as applied to the rejection of dependent claim 24, *supra*.

Bhatt and Rassman disclose a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Rassman do not explicitly disclose the indicator indicates the direction of current utilization of the resource, however, this is known in the art as taught by Rochford et al., hereinafter

Rochford. Rochford discloses a network monitoring method in which the indicator indicates the direction of current utilization of the resource (Figure 3 70, 72, 74 and 76).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt and Rassman because Bhatt and Rassman disclose a system for displaying resource utilization information for a plurality of resources and Rochford discloses a system for displaying the direction of current utilization in order to better predict the trend of utilization.

32. As per claim 28, Bhatt, Rassman and Rochford demonstrated all the elements as applied to the rejection of dependent claim 10, supra, and Rochford discloses the direction of current utilization of a resource includes increasing utilization and a decreasing utilization (Figure 3 where the cone shaped indicators can be in increased direction and decreased direction).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt and Rassman because Bhatt and Rassman disclose a system for displaying resource utilization information for a plurality of resources and Rochford discloses a system for displaying the direction of current utilization in order to better predict the trend of utilization.

33. Claims 12-13, 29-30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. as applied to claim 1 above, and further in view of Haggard et al. (6,148,335).

As per claim 12, Bhatt demonstrated all the elements as applied to the rejection of independent claim 1, supra.



Bhatt disclose a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

34. As per claim 13, Bhatt and Haggard demonstrated all the elements as applied to the rejection of dependent claim 12, supra, and Haggard further discloses the first utilization of the resource and the second utilization of the resource are displayed in a comparative manner (Figure 7 where the weekly utilization is displayed side by side).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

35. As per claim 29, Bhatt demonstrated all the elements as applied to the rejection of independent claim 18, *supra*.

Bhatt disclose a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

36. As per claim 30, Bhatt and Haggard demonstrated all the elements as applied to the rejection of dependent claim 29, *supra*, and Haggard further discloses the first utilization of the resource and the second utilization of the resource are displayed in a comparative manner (Figure 7 where the weekly utilization is displayed side by side).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of

resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

37. As per claim 36, Bhatt demonstrated all the elements as applied to the rejection of independent claim 35, *supra*.

Bhatt disclose a computer program product for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose instructions for monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

38. Claims 15-16 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. as applied to claim 14 above.

As per claim 15, Bhatt demonstrated all the elements as applied to the rejection of dependent claim 14, *supra*, and further discloses the plurality of colors includes a first color and a second color ("the color of the processor may be graduated from dark

to light based n the division of sends and receives”, column 12, line 15-17, which includes two colors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose only two of the color already described in the prior art in order to represent the two states of processing).

39. As per claim 16, Bhatt demonstrated all the elements as applied to the rejection of dependent claim 15, supra, and further discloses the first color is black and the second color is white (“the color of the processor may be graduated from dark to light based n the division of sends and receives”, column 12, line 15-17. Since black and white are two of the color used in the color spectrum, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose the already well known color in order to represent the two states of processing).

40. As per claim 32, Bhatt demonstrated all the elements as applied to the rejection of dependent claim 31, supra, and further discloses the plurality of colors includes a first color and a second color (“the color of the processor may be graduated from dark to light based n the division of sends and receives”, column 12, line 15-17, which includes two colors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose only two of the color already described in the prior art in order to represent the two states of processing).

41. As per claim 33, Bhatt demonstrated all the elements as applied to the rejection of dependent claim 32, supra, and further discloses the first color is black and the second color is white (“the color of the processor may be graduated from dark to light based n the division of sends and receives”, column 12, line 15-17. Since black and

white are two of the color used in the color spectrum, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose the already well known color in order to represent the two states of processing).

### ***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquiries***

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

### **or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang  
October 31, 2003



**MICHAEL RAZAVI**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600